



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



November 27, 2001

Mr. Frank DiFruscio
Chairman
Board of Selectmen
Town of Jackson
P.O. Box 268
Jackson Falls Ctr, New Hampshire 03846

CERTIFIED MAIL (7099 3400 0002 9772 4337)
RETURN-RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. ARD 2001-011

RE: Open Burning of Non-Conforming Materials

Dear Mr. DiFruscio:

On August 14, 2001, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), performed an inspection at the Bartlett Solid Waste Transfer Station and Recycling Facility ("the Facility") located off Rte. 16 at Bartlett Tax Map 2RT16, Lot 238L00/Jackson Tax Map R13, Lot 27 in Bartlett, NH. The purpose of the inspection was to determine compliance with the NH Admin. Rules Env-A 100-3600, specifically, Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution, and the Authorization to Burn Brush and Untreated Wood, PIP No. 11050 ("PIP No. 11050"). PIP No. 11050 authorizes the Towns of Bartlett and Jackson to operate a municipal burn site for untreated wood and brush.

DES previously sent a letter dated November 14, 2000 to the Board of Selectmen in the Town of Bartlett. The letter stated that during inspections conducted on 5/23/00 and 10/20/00, a DES inspector observed the following non-conforming materials in the Facility's burn pile: painted wood, wafer board, and two paint cans, as well as charred furniture and manufactured lumber.

At the time of the August 14, 2001 inspection, the DES inspector observed the following charred non-conforming materials in the burn pile: painted wood, furniture, plywood and brush over 5" in diameter.

Env-A 1001.04(a)(2) restricts any city or town from burning anything except brush or untreated wood. Condition 2 of PIP No. 11050 requires all burning to be conducted in accordance with the requirements of Env-A 1000 and that only brush and untreated wood, as defined in Env-A 101, shall be accepted and treated at the burn site:

- a. Env-A 101.54 defines **Brush** as "tree tops, limbs, saplings and tree cuttings, to include attached leaves, which are five (5) inches in diameter or less"; and
- b. Env-A 101.286 defines **Untreated wood** as "timber, board or sawn dimensional lumber which has not been treated, coated or preserved. This term does not include any manufactured building material, such as plywood or wafer board."

Based upon these findings, DES has determined that the Facility has been operating in violation of Env-A 1001.04(a)(2), and Condition 2 of PIP No. 11050. DES believes that the above-referenced deficiencies can be resolved as follows:

Burn only brush and untreated wood as described in PIP No. 11050, Env-A 101.54 and Env-A 101.286. Separate materials that do not meet the specifications of Condition 2 of PIP No. 11050, Env-A 101.54 and Env-A 101.286 from the burn area and

2. Submit a written statement to DES within ten (10) days of receipt of this Letter of Deficiency attesting that if open burning activities continue, that they will be conducted in accordance with PIP No. 11050 and Env-A 1000.

Attached is a copy of PIP No. 11050, Env-A 101.54, Env-A 101.286 and Env-A 1000 for your reference. Please submit the requested information, within the specified time frame, to the following address:

Ms. Mary Ruel, Enforcement Section Supervisor
New Hampshire Department of Environmental Services
Air Resources Division, Compliance Bureau
6 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

In the event that compliance is not achieved within the specified time frame, DES may initiate formal action, including issuing an order requiring the deficiencies to be corrected and/or referring this matter to the NH Department of Justice for civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

If you have any questions please contact Mr. Joseph Ritz, Compliance Bureau, Air Resources Division, at (603) 271-1391.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

Enclosure: PIP No. 11050, Env-A 101.54, Env-A 101.286 and Env-A 1000

cc K. A. Colburn, DES O/C
G. Rule, DES O/C
T. McCusker, EPA, Region I
R. Reed, DES WMD